

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case Nos. 2:16-cr-180

2:18-cv-290

- vs -

District Judge James L. Graham

Magistrate Judge Michael R. Merz

MALEK F. JALAL

:

Defendant.

ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 144), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Supplemental Report and Recommendation.

Accordingly, it is hereby ORDERED that Defendant's § 2255 motion be DENIED without prejudice for lack of subject matter jurisdiction. Defendant is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore, Defendant should not be permitted to proceed in forma pauperis.

Pursuant to Fed.R.Civ.P. 58, the Clerk shall enter judgment to this effect.

February 9, 2024

s/ James L. Graham

James L. Graham

United States District Judge